

REMARKS

Claims 1-20 are all the claims pending in the application.

I. Statement of Substance of Interview

Applicant thanks the Examiner for the personal interview conducted on March 5, 2005. Claim 1, 4 and 13 were discussed and an agreement was reached that the movable member of Miike (U.S. Patent No. 6,111,827) is not supported by two shafts as recited in claims 1, 4 and 13.

II. Drawings

The drawings stand objected to under 37 C.F.R. § 1.83(a) for not showing every feature of claims 6, 9 and 14. Applicant submits herewith new Fig. 3 which shows all of the features of claims 6, 9 and 14. Furthermore, Applicant has amended the specification to include the reference numbers of new Fig. 3. Accordingly, Applicant requests that the objection to the drawings be reconsidered and withdrawn.

III. Claim Objections

Claim 17 stands objected to because the Examiner alleges that the specification only discloses that the hybrid optical module is disposed completely between the first shaft and a plane containing, not intersecting, an optical axis of the objective lens and a rotational axis of the spindle. Applicant has amended claim 17 to correct this minor informality. Accordingly, Applicant requests that the objection of claim 17 be reconsidered and withdrawn.

IV. Allowable Subject Matter

The Examiner has indicated that claims 8, 11, 12, 16-18 and 20 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant requests that the

Examiner hold rewriting claims 8, 11, 12, 16-18 and 20 in abeyance until the rejection of the parent claims has been reconsidered.

V. Claim Rejections

Claims 13-15 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Miike (U.S. Patent No. 6,111,827). To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. As discussed above, during the interview on March 5, 2004, Applicant and the Examiner came to the agreement that the Miike reference fails to teach that the movable member is supported by two shafts as recited in claim 13. Therefore, Miike fails to teach every limitation of claim 13, and thus Miike fails to anticipate claim 13. Accordingly, Applicant requests that the rejection of claim 13 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Since claims 14-15 and 19 depend from claim 13, and since the Miike reference does not disclose all of the limitations of claim 13, Applicant submits that claims 14-15 and 19 are patentable at least by virtue of their dependency from claim 13. Accordingly, Applicant respectfully requests that the rejections of claims 14-15 and 19 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Claims 1-7, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miike in view of Ohtsuka (U.S. Patent No. 5,297,127). To establish a *prima facie* case of obviousness the Examiner must show that the prior art references, when combined, teach or suggest all of the claim limitations. *See MPEP* § 2143. As discussed above, during the interview on March 5, 2004, Applicant and the Examiner came to the agreement that the Miike reference fails to teach that the movable member is supported by two shafts as recited in claims 1 and 4. Since the Ohtsuka reference fails to cure the deficient teachings of Miike with respect to claims 1 and 4, Applicant submits that the cited reference fail to teach or

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suggest all of the limitations of claims 1 and 4. Therefore, Applicant requests that the rejection of claims 1 and 4 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Since claims 2-7 and 9-10 depend from claims 1 or 4, and since the references do not disclose all of the limitations of claims 1 and 4, Applicant submits that claims 2-7 and 9-10 are patentable at least by virtue of their dependency from claim 1. Accordingly, Applicant respectfully requests that the rejections of claims 2-7 and 9-10 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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